



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

OCT 22 2002

Mr. Dennis J. Duffy  
Union Pacific Railroad Company  
Room 1206  
1416 Dodge Street  
Omaha, Nebraska 68179

Mr. David J. Hughes  
National Railroad Passenger Corporation  
60 Massachusetts Avenue, NE  
Washington, DC 20002

Dear Gentlemen:

On October 16, 2002 the Federal railroad Administration (FRA) conditionally approved the joint Union Pacific Railroad (UP) and National Railroad Passenger Corporation (Amtrak) Petition for Waiver of Compliance FRA-2002-12836.

The waiver is for a program that will enable the industry to demonstrate and validate the technology, referred to as Positive Train Control (PTC), before it is implemented on a larger scale.

The PTC program will be tested and demonstrated on approximately 118.4 miles of UP track in the State of Illinois.

The conditions of approval are:

1. The submittal of, and adherence to, a test plan for each segment being tested that has been reviewed and will be monitored by the FRA. The test plan is subject to approval by the FRA test monitor with respect to the safety of railroad employees and members of the public. The test monitor will provide advice with respect to tests that may bear favorably on FRA's review of the train control system.
2. The railroad must place appropriately equipped flaggers in each lane of traffic at all public and private highway-rail grade crossings, or close any private crossing when an appropriately equipped flagger cannot be provided, along the demonstration route whenever a run of 80 mph or above is being conducted.
3. Operate under absolute block conditions for each run of 80 mph or higher or under any conditions where wayside signal indications will not be observed.

400 Seventh St., S.W.  
Washington, D.C. 20590

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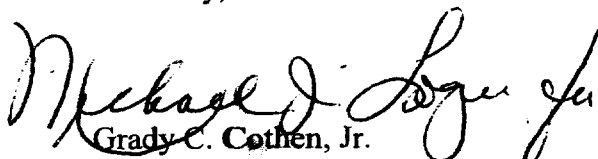
4. Inspect high speed demonstration corridor with FRA's automated track geometry vehicle to ensure track compliance with FRA's Track Safety Standards. (Initial inspection completed.)
5. Waiver is granted until August 31, 2004 unless the UP notifies the FRA of an earlier termination date.

These tests must be made in a safe and reliable manner, and to that end FRA would expect UP and Amtrak to support each other and to provide for the continuity of operating employees involved in these tests.

The Director, Office of Safety Assurance and Compliance has appointed Mr. Robert Scieszinski, Railroad Safety Specialist, as test monitor with full authority to terminate a test when it is determined to be unsafe to perform or continue; to require a test be repeated when it is determined the test was incorrectly performed; and to require a test to be repeated when it is determined the results of the test are unclear, incomplete or in dispute. The test monitor may suggest additional tests deemed necessary. The test monitor will provide affirmation that the requirements of each condition above has been met.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of rail operations or in the event of non-compliance with the conditions of this approval.

Sincerely,

  
Grady C. Cothen, Jr.  
Acting Associate Administrator  
for Safety